

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION**

**MDL 2724  
16-MD-2724**

**THIS DOCUMENT RELATES TO:**

**HON. CYNTHIA M. RUFÉ**

***In re State Attorneys General Litigation***

**Individual Case No. 20-3539**

**ORDER**

**AND NOW**, this 27th day of February 2023, upon consideration of the motions and the responses and replies thereto, and for the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** that:

1. The Motion to Dismiss of Defendants Actavis Holdco U.S. Inc., Actavis Elizabeth LLC and Actavis Pharma, Inc. [Doc. No. 113] is **GRANTED in part and DENIED in part**. The Motion is **GRANTED** as to the claims concerning Methylphenidate HCL ER tablets in Count 5. The Motion is otherwise **DENIED**.

2. The Motion to Dismiss of Defendant Lannett Company, Inc. [Doc. No. 114] is **DENIED**.

3. The Motion to Dismiss of Defendant Bausch Health Americas, Inc. and Bausch Health US, LLC [Doc. No. 115] is **DENIED**.

4. The Motion to Dismiss of Defendant Sun Pharmaceutical Industries, Inc. [Doc. No. 116] is **GRANTED in part and DENIED in part**. The Motion is **GRANTED** as to the claims concerning Methylphenidate HCL ER, as Plaintiff has withdrawn those claims. The Motion is otherwise **DENIED**.

5. The Motion to Dismiss of Defendant John Wesolowski [Doc. No. 117] is **DENIED**.

6. The Motion to Dismiss of Defendant Michael Perfetto [Doc. No. 118] is **DENIED**.

7. Defendants' Joint Motion to Dismiss Plaintiffs' Federal-Law Claims [Doc. No. 119] is **GRANTED in part and DENIED in part**. Defendants' Motion to Dismiss is **GRANTED** to the extent that it seeks dismissal of Plaintiffs' claims for disgorgement under § 16 of the Clayton Act; and the Motion is **DENIED** to the extent that it seeks dismissal of Plaintiffs' federal claims for injunctive relief as *parens patriae* under federal law.

8. Defendants' Joint Motion to Dismiss on Statute of Limitations Grounds [Doc. No. 121] is **DENIED**.

9. The Motion to Dismiss of Defendants Mylan, Inc. and Mylan Pharmaceuticals, Inc. [Doc. No. 122] is **DENIED**.

10. Defendants' Joint Motion to Dismiss the Overarching Conspiracy Claims [Doc. No. 123] is **DENIED**.

11. The Motion to Dismiss of Defendants Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals, Inc. [Doc. No. 124] is **DENIED**.

12. The Motion to Dismiss of Defendant Pfizer Inc. [Doc. No. 125] is **DENIED**.

13. The Motions for Leave to File Excess Pages [Doc. Nos. 161, 171] are **GRANTED**.

It is so **ORDERED**.

**BY THE COURT:**  
**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**